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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Pitcairn

Working paper prepared by the Secretariat

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I. Background information

1. Pitcairn is a Non-Self-Governing Territory administered by the United Kingdom of Great Britain and Northern Ireland.[1] The Territory is located midway between Australia and South America at 25°S and 130°W. It comprises four islands in the western Pacific Ocean: Pitcairn (named after Robert Pitcairn, a midshipman who sighted it in 1767), the only one of which is inhabited, Henderson, Ducie and Oeno. Although there is evidence of previous habitation by Polynesian peoples, Pitcairn was uninhabited when castaways from the HMS *Bounty* (9 mutineers and 19 Polynesians) arrived there in 1790. Today Pitcairn is inhabited by their descendants. The population of Pitcairn has been declining steadily since 1937, when it was approximately 200. According to the administering Power, at 1 January 1999 the total population of the Territory was 66. It is usual for the young people to leave the Territory at the age of 15 (usually in their third year of secondary schooling) to attend secondary school in New Zealand. The continuous outward flow of young people has been a concern to the Islanders for many years. The population currently consists mainly of middle-aged and elderly people. All the population live in Adamstown, the only settlement in Pitcairn.

2. The terrain in Pitcairn is of rugged volcanic formation with a rocky coastline with cliffs lining nearly the entire perimeter of the island, nowhere giving easy access from the sea. Although canoes can be launched in many places, Bounty Bay and the Tedside landing are the only two places on the island that offer a reasonably safe landing. Ships visiting the island remain some distance away from the shoreline. Pitcairn enjoys a subtropical climate. Mean monthly temperatures vary from around 19°C in August to 24°C in February.

3. The official language is English and the Pitcairn Islanders also have their own local dialect, a mixture of eighteenth century English and Tahitian.

II. Constitutional structure and legal system

4. The Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970 are in effect the Constitution of Pitcairn. These instruments established the office of Governor and regulate his powers and duties. The Governor is appointed by the Queen, acting on the advice of the United Kingdom Secretary of State for Foreign and Commonwealth Affairs, to whom he is accountable. In practice, the United Kingdom High Commissioner to New Zealand is appointed concurrently as Governor of Pitcairn and the responsibility for the administration of the island is accordingly vested in him and is discharged by him and officers subordinate to him. The current Governor of Pitcairn is Martin Williams.

5. Under the 1970 Order, the Governor has legislative authority for Pitcairn and is empowered to formulate laws on any subject. Laws enacted by the Governor are styled ordinances. Formally, all ordinances are subject to disallowance by the Queen, on the advice of the Secretary of State. The Government of the United Kingdom retains the power to legislate directly for Pitcairn by an Act of Parliament or an order in council. It is under his legislative power that the Governor establishes courts for Pitcairn and regulates their jurisdiction and procedures. The 1970 Order also vests in the Governor the power to appoint persons to offices in the public service and to remove or discipline them.

6. Pitcairn Islanders manage their internal affairs through the Island Council. The Council was established by the Local Government Ordinance, which confers on it the duty to provide for the enforcement of the laws of Pitcairn and empowers it to make regulations for the good administration of Pitcairn, the maintenance of peace, order and public safety and the social and economic advancement of the Islanders.

7. The Council is required to meet at least once a month. It consists of 10 members: the Island Mayor, elected every three years; the Chairman of the Internal Committee, who is elected annually; 4 other elected members, who are also elected annually; the Island Secretary, who is a public officer and serves on the Council ex officio; 1 nominated member, who is appointed annually by the Governor; and 2 advisory (non-voting) members, of whom one is appointed annually by the other members of the Council.

8. In December 1999, Pitcairn elected its first ever Mayor, thus ending the century-old practice of naming a Magistrate to head the local government. Steve Christian, a direct descendant of Fletcher Christian, leader of the mutiny on the HMS *Bounty*, was elected to the post. Jay Warren, who had served as Pitcairn's

Magistrate until then, was named chairman of Pitcairn's Internal Committee. Mr. Warren was also asked to perform the judicial role of a magistrate if such was required in the future. Four Islanders were elected to the Pitcairn Island Council and Betty Christian was named as Island Secretary.

9. The Island Council's decisions are implemented by the Internal Committee, whose formal functions are to carry out the orders of the Council and to perform such duties as the Council may direct. In practice, the principal function of the Committee is to organize and implement the public works programme, for which all adult and able-bodied Pitcairn Islanders are responsible. The Committee comprises the Chairman and such other persons (not being members of the Council or public officers) as the Council, with the Governor's approval, may appoint.

10. The Island Secretary and other non-elected officials (e.g., the postmaster, the radio officer and the police officer) are appointed by the Governor, invariably after consultation with the Council.

11. The court system of Pitcairn includes the Supreme Court, the Subordinate Court and the Island Court. The Supreme Court consists of such judge or judges as the Governor, acting in accordance with instructions from the Secretary of State, may from time to time appoint. It has unlimited jurisdiction in all civil and criminal matters.

12. The Subordinate Court consists of a magistrate, who is any person whom the Governor appoints for that purpose. The Court ordinarily has the same jurisdiction and powers in criminal cases as a magistrate's court in the United Kingdom and the same jurisdiction and powers in civil cases as a county court in the United Kingdom. There is a right to appeal in all cases to the Supreme Court.

13. The Island Court consists of the Island Magistrate and two councillors. Its jurisdiction is limited to offences that are committed within the islands or in territorial waters by residents of the Territory in contravention of the Island Code, and civil actions. The Island Court is rarely required to sit.

14. Pitcairn's Constitution, as embodied in the Pitcairn Order 1970 and the Pitcairn Royal Instructions 1970, does not contain any provisions expressly guaranteeing human rights, nor has any formal machinery been established specifically for that purpose.

15. For the most part, however, the legal protection of the human rights of Pitcairn Islanders does not depend on specific legislation but it is assured through the enforcement by the local courts of the basic principles of the law in force in the Territory, which follow the same basic principles as the laws of the United Kingdom.

16. The violation of the rights of any person is justiciable by way of injunction and damages in the Supreme Court. In addition, individuals subject to Pitcairn jurisdiction have direct rights of recourse to the United Nations Human Rights Committee, as a result of the accession by the Government of the United Kingdom on behalf of Pitcairn to the Optional Protocol to the International Covenant on Civil and Political Rights.

17. The Governor has the ultimate responsibility for overseeing the implementation of human rights in Pitcairn. Any complaint of unlawful or oppressive action by any government official or authority can be raised with him, either directly or through one of his subordinate officers, and will be investigated thoroughly. If the complaint proves to be well-founded, he has the power to take appropriate remedial measures.

18. The laws in force in Pitcairn, including those relating specifically to human rights, are published by the Government of the United Kingdom and are accessible to all on the island through the Island Secretary's office.

19. The Territory's reports to international bodies are prepared by the Government of the United Kingdom, drawing on information provided by the Governor and the Commissioner.

III. Economy

20. The economy of Pitcairn falls into two distinct parts. The private economy depends on gardening and trading, manufacturing and the sale of carvings, basket work and other handicrafts, the export of dried fruit, honey and honey products. The public economy and Pitcairn's principal sources of income depends on the sale of postage stamps, phone cards, collector coins and on interest and dividends from investments. It is

estimated that Pitcairn earns US$ 500,000 annually from the sale of stamps. In 1997/98, income for the year was $NZ 491,838 and expenditures were $NZ 666,799, leaving a deficit of $NZ 174,961. Although there is no taxation in the Territory, each person between 15 and 65 years of age is required to perform public work each month in lieu of taxation.

21. The Territory's private sector economy is based on subsistence agriculture and fishing and the sale of handicrafts, mainly to passing ships. Bartering is an important part of the economy. The fertile soil of the valleys produces a wide variety of fruits and vegetables, including citrus, sugar cane, watermelons, bananas, yams and beans. Fish is the main source of protein in the Islanders' diet. Pitcairn exports fruits, vegetables and handicrafts and imports fuel oil, machinery, building materials, cereals, milk, flour and other foodstuffs. The Territory also exports honey, which is reported to have been found by the New Zealand Ministry of Agriculture and Forestry to be an exceptionally pure product. Recently Pitcairn has begun to develop a dehydrated fruit industry; it now exports dried bananas, mango and pineapple and is said to be preparing to export jams, dried fish and coffee. Pitcairn's food export business is expected to add substantially to the Territory's economy. To protect Pitcairn's developing agriculture industry, all honey and other bee products, used bee-keeping tools and equipment are banned from entry into Pitcairn. Pitcairn's products are sold in New Zealand and the United States of America and a Pitcairn Island Producers' Cooperative has been established to handle marketing.

22. The island of Henderson, which is difficult to access, is the largest of the group and the most productive of the three satellite islands. Miro wood, which the Islanders use to produce their carvings, is collected from the island. The Pitcairners usually make a journey in longboats once a year, staying a few days to collect enough wood to last another year and to undertake layering of young miro branches in an effort to ensure a sustainable crop for years to come. The journey may take about 14 hours each way, depending on weather conditions. The Islanders also make the voyage to Oeno, known as their "holiday island", once a year for a week of fishing, gathering coconuts and shells. Traditionally, the fish caught in these expeditions is shared equally among the families in the Territory.

23. According to reports, the Pitcairn Investment Fund, based on the sale of Pitcairn stamps, which has long provided financial subsidies for high-cost needs such as utilities, travel to New Zealand for medical treatment and transporting supplies to the Territory, is in danger of depletion within three years. According to the administering Power, Pitcairn's financial situation has slowly worsened as its expenditures have exceeded revenue in recent years; withdrawals to cover these deficits have diminished the Fund further.

24. In order to extend the life of the Fund, the Pitcairn Islanders have chosen a modified subsidy plan. They have voted to allow a more than doubling of their electrical charges and the initiation of ocean freight charges on items that were once free of charge or heavily subsidized. The administering Power has indicated that in considering options for strengthening the Fund it was decided to project a 10-year financial framework plan. The intention is that the financial framework will include a review of ideas for Pitcairn to maximize its revenue and minimize its costs. The framework has not yet been finalized and work continues in this respect.

25. A new economic plan, put in operation at the beginning of 2000, provides help to Pitcairn's pensioners and families with children. The plan was to be reviewed at the end of six months to assess its effect. However, no information on the projected assessment was available to the Secretariat during the period under review. The Territory's new economic plan was developed by Pitcairn Commissioner Leon Salt in concert with an economist and an official from the United Kingdom Department for International Development. If the plan accomplishes what is expected, the Pitcairn Investment Fund will remain solvent for 10 years. According to Commissioner Salt, income received beyond current projections may increase allowances for paid positions in Pitcairn. One possibility is income the Territory may receive through a recent recapturing of its Internet domain registry (".pn"), by action of the United States Government and the Internet Corporation for Assigned Names and Numbers. Another attempt to increase the Investment Fund will include vigorous efforts to increase the sale of Pitcairn's stamps throughout the world. Yet another possibility for additional income is the resurgence in the number of cruise ships calling at Pitcairn. Currently, 10 such vessels are scheduled to call at

Pitcairn during the year, where in the past only two or three such visits were made annually.

26. A number of Pitcairn items are available directly from Pitcairn Islanders on the island through the Internet. Two web sites, operated by the Pitcairn Islands Study Center (http://library.puc.edu/pitcairn/pititems2.html) and the Pitcairn Islands Virtual Shopping Mall (http://www.lareau.org/pitcmall.html), contain information on merchants in Pitcairn from whom to order wood carvings, woven baskets, jewellery, honey, dried fruit, painted leaves and other items. When paying for orders by cheque, customers are advised to leave the cheque undated because of the long time it takes to process a cheque. Customers must allow up to six months or more for orders to reach them.

27. Though Internet users worldwide can acquire a .pn suffix that is now permanently awarded to Pitcairn, Islanders are not yet ready to use the Internet. For that to happen, a reasonable-cost satellite data link into Pitcairn will have to be established. The cost is estimated to exceed US$ 250,000. Once the link is established, the use costs will have to be much lower than the present data link into the islands, which costs about US$ 4 per minute and is very slow. The Internet is expected to allow Pitcairn Islanders to engage in e-commerce, including sale of carved and woven artifacts and honey. According to Commissioner Salt, fees from those who purchase a Pitcairn Internet suffix will start the fund that will ultimately bring the Internet to the Island. Information for Internet users wishing to acquire the ".pn" domain is available through the official web site of the Government of Pitcairn (http://www.government.pn/homepage.htm).

28. An electrical rate increase may have a negative impact on a budding industry in locally produced dehydrated fruits and honey. Some Pitcairn Islanders have ordered propane heaters, but the cost of shipping supplies is also high. The Islanders were charged 20 cents (New Zealand) per electrical unit, while the cost to the Investment Fund was 50 cents per unit, not including the cost of parts and maintenance of electrical generating equipment. With the growth of the fruit drying industry, the expenses covered by the Fund became even greater. The possibility of using solar fruit dryers is being studied.

29. Land was traditionally held under a system of family ownership, based on the original division of the island by the mutineers and subsequently modified following the return of some Pitcairn Islanders from Norfolk Island in 1859. Land legislation enacted in 1967 provided for the formal administration of the estates of deceased landowners. While it also sought to rationalize the customary land tenure system, it was largely ineffective in this respect and by the late 1970s, owing mainly to emigration, most of Pitcairn was owned by Pitcairn Islanders who no longer lived on the island. Legislation adopted in the early 1980s is reported to aim at ensuring that every Pitcairn Islander is entitled to an allocation of house, garden, orchard and forestry land, "sufficient to meet their needs", for as long as they live on Pitcairn. An annual land tax payable on all land held by a non-resident in the Territory or on land held by a resident, "in excess of his or her reasonable needs", is aimed at ensuring sufficient land is available for reallocation through the Land Court, upon application. Only Pitcairn Islanders by birth or naturalization, their children or grandchildren (having reached the age of 18 years), are eligible to apply for an allocation. They must be resident at the time of application and fully intend to remain so.

30. A cooperative store, established in 1967, is open three times a week for a short period. Basic food commodities are obtainable when supplies are available. Flour, eggs, meat and butter are provided if ordered several months in advance as they must be imported from New Zealand.

31. Diesel-driven generators provide 240-volt electric power for approximately four hours each evening and for two hours each morning. A simple telephone system operates in the Territory. Overseas communications are maintained through surface mail and, since 1992, via satellite (telephone, fax, telex). Pitcairn recently released a trial set of telephone/fax cards for the new satellite communications. However, to a great extent, ham radio communications have been the mainstay of Pitcairn's contact with the outside world. Radio telephone service is available on a pre-scheduled basis, six evenings a week, from outside locations with American Telephone and Telegraph (AT&T) service. The Pitcairn Radio Station is operational between the hours of 1800 and 0530 GMT. While live television has not yet reached the island, videotapes are very popular.

32. Visitors to Pitcairn must first obtain from the Office of the Commissioner for Pitcairn Island in New

Zealand a licence to land and reside there. Licences are valid for six months and may be renewed for further similar periods by the Governor. The Island Mayor, subject to the direction of the Governor, is empowered to permit ashore crew members and passengers of any visiting vessel.

33. Access to Pitcairn is possible only by sea and usually by container vessels plying between New Zealand and the United Kingdom or the eastern seaboard of the United States or the Caribbean, via the Panama Canal. Such vessels are expected to call northbound approximately three times a year, but there is no regular, scheduled service. There are no hotels or guest houses, but accommodation for visitors may be arranged with one of the Territory's families on prior application to the Island Mayor.

34. Until 1964, there were no vehicles on the island. Transportation was on foot. All roads are unpaved. All-terrain vehicles, three or four wheeled, provide a frequently used mode of transport. According to reports, there are plans for the all-weather surfacing of the island's main road. Plans call for the laying of concrete from the island landing at Bounty Bay, up what the Pitcairners call their "Hill of Difficulty", with grades ranging between 30 and 35 per cent, to Adamstown. The present road is prone to washouts by the frequent storms that sweep over the island and must be repaired constantly. Bids were being sought through newspaper announcements in Fiji, Tahiti and New Zealand. Construction of the road was scheduled to begin in April 2001.

35. Discussion on the possibility of building an airstrip on Pitcairn has continued for several years. As previously reported, a study commissioned some years ago determined that there would be no great technical difficulties in constructing an airstrip sufficient for light aircraft to make the 1,000 kilometre round trip from French Polynesia to Pitcairn. In April 1999, it was reported that after a visit to the Territory, Governor Williams had said the Territory was likely to get an airstrip. He mentioned that an official from the United Kingdom Department of International Development had looked at the most promising site for an airstrip of up to 1,980 feet. He said that the operating arrangements needed to be worked out but he hoped the airstrip would be approved in 1999. No further information was available to the Secretariat on this matter during the period under review.

IV. Social and educational conditions

36. The population of the Territory is self-employed, but allowances and wages are paid to members of the community who participate in local government activities and who perform communal services. Public work, which by law is required of all men and women between 16 and 65 years of age, is partly a relic of the society created by the mutineers and partly a necessity born of the basically tax-free economy. Reportedly, the most essential of the public duties that are still recognized as being traditional are concerned with Bounty Bay and the maintenance of the public boats. Installations in the Bay are provided mainly from general revenue and grants from the United Kingdom. Information available indicates that in 1998 there were eight working men. This situation has been viewed with concern by the Islanders since it takes four men to handle the longboats that go out to meet passenger ships. According to an information sheet provided by the Office of the Commissioner for Pitcairn Island in New Zealand, the only jobs in the Territory are government posts normally reserved for permanent residents of Pitcairn. There are no banking facilities, but undated personal cheques and traveller cheques may be cashed at the Island Secretary's office.

37. Education is free and compulsory for all children between 5 and 15 years of age. The school is operated and financed by the Government. Instruction is in the English language and is based on the New Zealand standard curriculum. A trained teacher is recruited in New Zealand, normally for a two-year term. In 1999, school enrolment was reported to be 10 students. Post-primary education is conducted at the school by correspondence courses arranged through the New Zealand Department of Education. Overseas secondary education is encouraged by the grant of bursaries and a number of students have received secondary education in New Zealand at the expense of the Government of Pitcairn. The Education Officer is appointed by the Governor from suitable qualified applicants who are New Zealand registered teachers. The Education Officer, who is also the government adviser and editor of the *Pitcairn Miscellany*, the only newspaper in the Territory, is contracted for two-year terms. Most Pitcairn Islanders are members of the Seventh-day Adventist Church, which was established in the Territory over a century ago and is the only church on the island. The Church is run by the church board and the resident pastor, who usually serves a two-year term.

38. The Pitcairn Island Health Centre, completed in 1997, was funded by the British Government Overseas Development Administration. It has an examination room, a dental clinic, an X-ray room and a two-bed ward for overnight patients. The general health of the community is entrusted to a resident nurse, an assistant nurse and a local dental officer, who also doubles as an X-ray technician. Traditionally, the resident nurse is the wife of the pastor. Registered medical practitioners are employed from time to time for periods of between two and six months. The population also benefits from the services of visiting doctors travelling on ships that stop at the island. There is no doctor permanently stationed on Pitcairn.

39. Reportedly, the Territory suffered a rat infestation during 2000. Although rat exterminators were called in and it initially appeared as if they had gotten rid of the rats, the rats came back in large number shortly thereafter. Islanders have imported tons of rat bait and have set numerous traps and have brought cats into the island to combat the infestation.

40. A British police officer spent two months in Pitcairn in 1997 to organize law enforcement on the island. The police officer set up a traffic code for the Territory's roads and reviewed other procedures. The Territory is reported not to have had trained or experienced police for several years.

41. The Pitcairn Island museum displays a number of artifacts and items, some of which have been donated and loaned by people from all over the world. Artifacts such as stone tools, which were made by Polynesians prior to the arrival of the mutineers, are on display. Other artifacts include *Bounty* relics salvaged from the wreck.

V. Future status of the Territory

42. In its report to the General Assembly at its fifty-fifth session (A/55/23, para. 87), the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples stated that during 2000, the Special Committee and the administering Powers had agreed, on an informal basis, on a non-paper outlining a general work programme that would serve as a reference in the preparation of individual work programmes for specific Territories. The Special Committee and the administering Powers also agreed to prepare work programmes for American Samoa and Pitcairn. It was also agreed that the administering Powers would ensure the participation of representatives of these Non-Self-Governing Territories at every stage of discussions. In a statement to the Fourth Committee of the General Assembly on 25 September 2000, the Chairman of the Special Committee said that the Committee was awaiting the response of the United Kingdom with proposals regarding a work programme for Pitcairn and suggestions regarding the participation of representatives of the Territory in the discussions (A/C.4/55/SR.3).

A. Position of the administering Power

43. On 26 September 2000, the representative of the United Kingdom made a statement before the Fourth Committee (A/C.4/55/SR.4). She reported that further progress had been made towards the modernization and development of the relationship between the United Kingdom and its overseas Territories — one of the British Government's priorities since coming into office.

44. The United Kingdom representative said that 1999 had seen the inaugural meeting of the Overseas Territories Consultative Committee, the key forum in the modern partnership relationship between the United Kingdom and the Governments of the overseas Territories. The first meeting had taken place shortly after the 1999 debate in the Fourth Committee, and the second meeting would be held in London in October 2000. The meeting provided a forum for structured political dialogue and exchange of views between the elected representatives of the overseas Territories and the Government of the United Kingdom. It was an opportunity to continue dialogue on the management of public affairs and future development of the overseas Territories, and enabled ministers and governments of the overseas Territories to consult on such matters as the process of constitutional review and human rights issues arising from the United Kingdom's international commitments. At the meeting in October, good governance, justice, internal security and sustainable development would be among the topics discussed.

45. The United Kingdom representative stated that the United Kingdom's partnership was evolving, not static, and working well. For instance, in the field of disaster prevention and management, a working

seminar had been held in the British Virgin Islands in June 2000, which had done much to help share experience among the Territories and to establish a working set of contacts and systems to help deal with any future such events. The United Kingdom continued to support those overseas Territories that needed it. At the same time, in the spirit of partnership, the United Kingdom continued to promote sustainable development in the overseas Territories, working out and agreeing with their strategic country programmes.

46. The representative of the United Kingdom further said that the record showed, for the United Kingdom, the wishes of the peoples concerned, exercised in accordance with the other principles and rights set out in the Charter of the United Nations and in other international treaties, were of paramount importance. The relationship continued to be based on the following fundamental principles: self-determination; mutual obligations; freedom for the Territories to run their affairs to the greatest degree possible; and a firm commitment from the United Kingdom to help the Territories economically and to assist them in emergencies. She stated that she was sure the Fourth Committee recognized the commonality of approach between the British Government's and the Committee's. Nevertheless, she continued, it was a pity that while there was so much in common in their approaches, it was not always properly reflected in all relevant resolutions, in particular of the Special Committee. The United Kingdom welcomed the fact that the annual "omnibus" resolution stated that in the decolonization process there was no alternative to the principle of self-determination. The United Kingdom therefore regretted that the Special Committee continued to apply that principle selectively. This principle was enshrined in the Charter and the International Convention on Civil and Political Rights. She said that the United Kingdom welcomed the efforts made by the Special Committee, under the constructive leadership of its Chairman, to pursue informal dialogue with the administering Powers with a view to ascertaining the wishes of the peoples of the Territories with a view to possible future removal of the Territories from the Special Committee's list. Careful preparations would be necessary before the United Kingdom could expect substantive progress to be made. The Government of the United Kingdom remained ready to cooperate with the Special Committee in those efforts.

B. Consideration by the General Assembly

47. On 8 December 2000, the General Assembly adopted without a vote resolutions 55/144 A and B. Section VIII of resolution 55/144 B is specifically devoted to Pitcairn.

Notes

[1] The information contained in the present paper has been derived from information transmitted to the Secretary-General by the Government of the United Kingdom of Great Britain and Northern Ireland, under Article 73 *e* of the Charter of the United Nations, and from published sources, including the *Guide to Pitcairn*, published by the Government of Pitcairn (revised and reprinted most recently in 1999), as well as from the Internet web sites for the Government of Pitcairn (www.government.pn/homepage.htm) and the Pitcairn Islands Study Center (http://library.puc.edu/pitcairn).